

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310-JRG

**JOINT MOTION FOR APPROVAL OF ESCROW PAYMENTS TO THE COURT’S
REGISTRY AND STAY OF EXECUTION OF JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 62(b) and Local Rule CV-62, Plaintiff TQ Delta, LLC (“TQ Delta”) and Defendants CommScope Holding Company, Inc., CommScope, Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS Enterprises, LLC (“Defendants”)¹ (collectively, the “Parties”) jointly respectfully request that the Court approve the following escrow payment schedule and, in accordance therewith, stay any enforcement of the Court’s May 3, 2023 Final Judgment in this action pending disposition of the Parties’ pending appeals.

1. On May 3, 2023, this Court entered Final Judgment in the above-captioned action. The Court awarded TQ Delta \$11,125,000.00 in reasonable royalty damages, plus “pre-judgment

¹ The Court’s Final Judgment includes ARRIS International Limited and ARRIS Global Ltd. as parties subject to the judgment. However, TQ Delta previously voluntarily dismissed these two entities from the case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). See Dkt. No. 15. The Parties agree that ARRIS International Limited and ARRIS Global Ltd. are not subject to the Court’s Final Judgment.

interest applicable to all sums awarded herein, calculated at the 5-year U.S. Treasury Bill rate, compounded quarterly, from the date of infringement through the date of entry of this Judgment,” post-judgment interest, and costs. *See* Dkt. No. 513 ¶¶ 7, 9-11.

2. On March 15, 2024, Defendants filed a Notice of Appeal of the Final Judgment. *See* Dkt. No. 575. TQ Delta also filed its own Notice of Appeal that day. *See* Dkt. No. 573.

3. On April 9, 2024, TQ Delta filed a Motion for Issuance of Writ of Execution Against CommScope Defendants (“Writ Motion”). *See* Dkt. No. 581.

4. The Parties dispute the amount of prejudgment interest to be paid pursuant to Paragraph 9 of the Final Judgment.

5. The Parties have reached the following agreement to stay the execution of judgment and to resolve their dispute regarding the amount of prejudgment interest to be paid:

a. Vantiva SA (“Vantiva”),² on behalf of Defendants, shall deposit an amount equal to the damages verdict plus the bill of costs award—i.e., \$11,371,208.25—into the Registry of the Court (“First Deposit”) on or before May 3, 2024, assuming that the Court has granted this Joint Motion.

b. TQ Delta agrees to extend the deadline for Defendants’ opposition to the Writ Motion from April 24, 2024 to May 6, 2024. Defendants agree not to seek any extension for their opposition beyond May 6, 2024.

c. If the First Deposit is made into the Registry on or before May 3, 2024, within five (5) business days thereafter, the Parties shall file a further Joint Motion asking the Court to resolve the Parties’ disputes concerning the appropriate amount of the

² The Defendants have represented to TQ Delta that in January 2024, Vantiva SA completed its acquisition of CommScope’s Home Networks division. Vantiva has identified itself as a real party-in-interest in the Parties’ pending appeals before the Federal Circuit.

prejudgment interest and the total amount of funds that will go into the Registry consistent with Local Rule CV-62. The second Joint Motion will be limited to twelve pages (not counting exhibits). Each side will get six pages to state their positions, and there will be no further briefing unless requested by the Court. In order to facilitate the joint briefing process, each party will deliver to each other a first draft of their portion of the joint brief by 6:00 pm CT on the third business day after the First Deposit is made. The Defendants agree not to seek an extension for the filing of the second Joint Motion.

d. If the First Deposit is made into the Registry on or before May 3, 2024, within two (2) business days thereafter, TQ Delta will withdraw its pending Writ Motion without prejudice to refiling.

e. Within five (5) business days after the Court has decided, per subparagraph c above, the appropriate amount of prejudgment interest and the total amount of funds to be held in the Registry consistent with Local Rule CV-62, Vantiva, on behalf of Defendants, shall deposit an additional amount (“Second Deposit”) equal to the difference between the amount of the First Deposit and the total amount of funds that the Court finds should be held in the Registry.

f. Vantiva, on behalf of Defendants, shall pay all fees and costs, if any, relating to the Registry’s handling of the funds relating to this case that may be imposed by the Court or any entity responsible for managing the Registry.

g. No stay of execution of the May 3, 2023 Final Judgment shall be in place until after both the First and Second Deposits have been deposited with the Registry.

h. Defendants shall file a notice no later than one (1) business day after the receipt of the First Deposit and Second Deposit by the Registry.

6. Nothing in this joint motion or the proposed order shall be interpreted to prevent TQ Delta from seeking the full amount of the judgment (as determined by the Court) from any or all of the named Defendants in the event that it is unable to collect the full amount of the judgment from the Registry if and when it is entitled to do so after final resolution of the Parties' appeals before the Federal Circuit.

7. The Parties therefore respectfully request that the Court approve the First and Second Deposits, identified above, as escrow payments satisfying the "other security" of Rule 62(b) and Local Rule CV-62, and accordingly stay execution of the May 3, 2023 Final Judgment pending final resolution of the Parties' appeals before the Federal Circuit, effective on the day that Defendants file a notice confirming receipt of the First and Second Deposits by the Registry. The Parties agree to submit a joint status update to the Court within fourteen (14) days of final resolution of the Parties' appeals.

Dated: April 24, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 24, 2024 a true and correct copy of the above and foregoing document has been served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Brett Schuman

Brett Schuman